

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

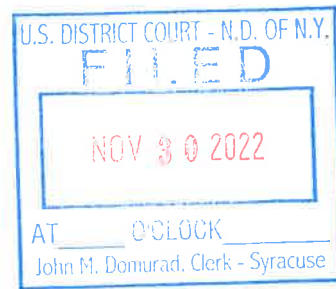
PAUL MITURA

Plaintiff,

V.

THE STATE OF NEW YORK

Defendant(s)



Civil Case No. 5:22-cv-1272
(MAD/ML)

Complaint

(1) Federal law was violated by awarding federally protected separate property as marital property in a divorce.

(2) The divorce was granted in New York State Supreme Court, in the county of Onondaga.

(3) A judgement of divorce was made by Hon. Martha Mulroy, New York State Supreme Court, in the County of Onondaga. 401 Montgomery Street, Syracuse, New York 13202.

(4) The Plaintiff, and recipient of the funds was Allison Mitura, who resided in Oswego Country at the time, and is now Allison Graff, and resides in Onondaga County. She was represented by Tricia Dorn, Esq. of Syracuse, New York, throughout the separation and divorce.

The basis of the claim is federal question, in that New York State Supreme Court Judge Hon. Martha Mulroy violated federal law by awarding Veteran's Administration Compensation, Social Security Disability Insurance, inheritance, and estate funds to my former spouse in a divorce dated 24 November 2020. These are all separate, and not marital property, and cannot be divided in a dissolution of marriage action. My former spouse also used two of these funds throughout the separation, while her funds remained concealed and inaccessible to me.

Throughout the separation I informed my spouse, two of her attorney's, a matrimonial referee, and the Court that these funds cannot be divided. I have since filed a motion to Void, Nullify, Dismiss, or Set Aside, and also a Motion to Reargue, both of which were rejected. I have also filed a motion asking Judge Mulroy to recuse herself from the case, which was refused. I filed a complaint against Judge Mulroy with the New York State Commission on Judicial Misconduct, and the results are pending. I made several attempts to appeal this case with the New York State Court of Appeals, Fourth Judicial Department, and

the New York State Court of Appeals, neither of which allowed me to appeal. I have exhausted all available options. I am seeking the funds which were illegally awarded to my former spouse as a lump sum on the date of divorce, and all of the funds that were used by my former spouse during the separation. All of the funds were comprised of the protected funds because they were/are my only source of income. Similar to the lump sum award upon divorce, I also advised my former spouse, two of her attorneys, a matrimonial referee, and the Court that they were separate property, and not divisible. Although I have been Pro Se in this action, I am seeking all related legal expenses, such as filing fees, which occurred because the State of New York would not allow me to appeal.



Paul Mitura,
Pro Se Plaintiff
November 30, 2022